

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

In re: \_\_\_\_\_ )  
\_\_\_\_\_)  
**Zone 5, Inc. f/k/a Zone 5 Lithographic** )  
**Pre-Press, Inc.,** )  
\_\_\_\_\_)  
\_\_\_\_\_)  
**Debtor.** \_\_\_\_\_ )

HEARING: 02/28/2018 at 9:15 am at the Albany Courtroom

Chapter 7  
Case No. **17-11087**

**Motion to Retain Professional and Sell Property of the Estate**

---

TO THE HONORABLE ROBERT E. LITTLEFIELD, JR.

Philip J. Danaher, Chapter 7 Trustee in the above-captioned bankruptcy proceeding (the "Trustee") for the Estate (the "Estate"), pursuant to Title 11 of the United States Code §327(a), seeks to retain All Points Property Management, Gerald T. Leach, Jr., Proprietor, (the "Firm") as Auctioneer for the Trustee, and pursuant to Title 11 of the United States Code §363(b), seeks to sell certain property of the Estate consisting of 2010 Audi S5 Automobile, V8 4.2 Liter Engine, All-Wheel Drive, with approximately 39,000 miles, or abandon such property pursuant to Bankruptcy Code § 554 should such property be determined to have little or no value by the Chapter 7 Trustee after auction sale is attempted, and respectfully represents as follows:

**PARTIES, JURISDICTION AND VENUE**

1. Zone 5, Inc. f/k/a Zone V Lithographic Pre-Press, Inc., (the "Debtor") filed a voluntary petition for relief under Chapter 11 of the United States Code (the "Bankruptcy Code") on or about June 8, 2017, with the Bankruptcy Court (the "Court") for the Northern District of New York (the "District"). On January 5, 2018, this case was converted to a case under Chapter 7.

2. On January 5, 2018, I was appointed Chapter 7 Trustee pursuant to Bankruptcy Code §701. Among other things, I am authorized to liquidate the property of the Estate.

3. This Motion made pursuant to Bankruptcy Code §327(a), is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(A), (M) and (O) because it relates to matters concerning the administration of the Estate, the sale of property of the Estate, and affects the liquidation of the Estate. Venue is proper in this district by virtue of 28 U.S.C. §1409(a), as this proceeding arises and relates to a case under the Bankruptcy Code pending before this District. This Court has jurisdiction pursuant to 28 U.S.C. §§157 and 1334.

**BASIS FOR RELIEF REQUESTED**

4. By this Motion, the Trustee seeks authority to (a) retain the Firm as an Auctioneer pursuant to Bankruptcy Code §327(a); (b) approve the time, date and manner of a proposed auction sale pursuant to Bankruptcy Code §363(b); or (c) approve the Trustee abandoning property of the Estate pursuant to Bankruptcy Code § 554. I make this Motion on personal knowledge except as otherwise provided.

(a) Retention of Auctioneer Pursuant to Bankruptcy Code §327(a).

5. Upon information and belief, among the assets of this Estate is a 2010 Audi S5 Automobile, V8 4.2 Liter Engine, All-Wheel Drive, with approximately 39,000 miles. The Chapter 7 Trustee is unaware of any liens or exemptions against such property.

6. It is necessary to the administration of this Estate that the Property be sold.

7. The Trustee would like to employ an Auctioneer to sell the Property through an auction sale. Upon information and belief, an auction sale is the most efficient method to liquidate the Property, and it is expected that such a sale will generate more money for the Estate in comparison to the other methods of liquidation (e.g. private sale). An auction sale will most likely expose the availability of the Property to the largest universe of potential purchasers. Additionally, an auction sale will create a competitive atmosphere among potential purchasers, resulting in a higher purchase price.

8. The Trustee has received from the Firm, a Licensed Auctioneer, an offer to liquidate the Property at an auction sale upon the following terms and conditions

(a) The Auctioneer is to receive a flat twelve percent (12%) commission on gross proceeds of sale up to the amount of \$100,000.00, then five point five percent (5.5%) of any gross proceeds in excess of \$100,000.00 up to \$200,000.00, then two point five percent (2.5%) of any gross proceeds in excess of \$200,000.00, all as is based upon the commission schedule set forth under Local Rule 6005-1 which commission shall be remitted to the Trustee to be held pending an Order by United States Bankruptcy Court approving the Firm's compensation. The Auctioneer will also seek reasonable expenses.

9. The Firm has investigated the Property and conservatively estimates the liquidation of the Property will benefit the creditors of the Estate.

10. To the best of my knowledge, the Firm has no connection with any creditors of the Estate herein or any other parties in interest or their respective attorneys.

11. To the best of my knowledge, the Firm represents no interest adverse to the Trustee or the Estate in matters in which it is to be engaged.

13. To the best of my knowledge, the Firm is disinterested as that term is defined in Bankruptcy Code §101(14).

14. To the best of my knowledge, the Firm has entered into no agreement which would be prohibited under 18 U.S.C. §155 or otherwise prohibited by law.

15. To the best of my knowledge, the Firm has no connection with the United States Trustee or any person employed in the office of the United States Trustee.

16. The Trustee is informed and believes, and therefore alleges, that the granting of this application is in the best interest of the Estate and accordingly that the Court should approve such employment as provided in Bankruptcy Code §327(a).

17. The Auctioneer is aware of the provisions of Bankruptcy Code §328 and has agreed, notwithstanding the terms and conditions of employment herein set forth, that the Court may allow compensation different from the

compensation provided herein.

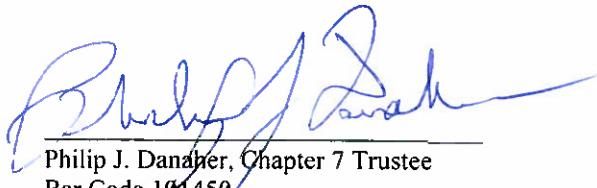
(b) Approval of Time, Date and Manner of Proposed Sale of Property of the Estate Pursuant to Bankruptcy Code §363(b).

18. I also seek authorization to conduct the sale of the Property at an auction sale presently scheduled to take place at the U. S. Bankruptcy Court, James T. Foley Federal Courthouse, 445 Broadway, Albany, New York 12207 at 9:15 a.m. Eastern Standard Time on Wednesday, February 28, 2018.

19. Under Bankruptcy Code §363, the Court has the authority to permit the Estate to sell the Estate Property at an auction sale.

WHEREFORE, your Applicant requests that this application be granted and for such other and further relief as this Court may deem just and proper.

Date: January 17, 2018



Philip J. Danaher, Chapter 7 Trustee  
Bar Code 101450  
1001 Glaz Street  
East Greenbush, New York 12061  
Tel. (518) 463-4383